

ORD

2006-0166

INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT
(DEPARTMENT OF PLANNING & ZONING)

ORDINANCE NO. 06-6-10

An ordinance approving and authorizing the execution of an Act of Dedication for Highland Oaks Phase 1 Subdivision, St. Rose, St. Charles Parish, LA.

WHEREAS, Landcraft Inc. are the owners and developers of property located in Section 39T12S R9E, St. Rose, St. Charles Parish, LA and indicated on a Final Plat prepared by Riverland Surveying Company, and dated May 19, 2005 with a revised date of April 13, 2006 as a Survey Plat and Resubdivision of a Part of Square 6, Square 7 & Tract 2 of the T.L. James Properties in Lots Herein designated as Lots 4 thru 28 & Lots 93 thru 125 of the T.L. James Properties; and,

WHEREAS, said subdivision has been constructed in accordance with the St. Charles Parish Subdivision Regulations of 1981, as amended; and,

WHEREAS, all required administrative reviews and approvals have been effected relative to said subdivision.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the attached Act of Dedication for Highland Oaks Phase 1 Subdivision, which includes Lots 4 thru 28 & Lots 93 thru 125; and the dedication of Laurel Oak Drive, East Pin Oak Drive, and North Pin Oak Drive; and servitudes for drainage is hereby approved and accepted; and,

SECTION II. That the Parish President is hereby authorized to execute the attached Final Plat and Act of Dedication on behalf of St. Charles Parish.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

- YEAS: MARINO, FAUCHEUX, HILAIRE, FABRE, RAMCHANDRAN, WALLS, BLACK, DUHE, MINNICH
- NAYS: NONE
- ABSENT: NONE

And the ordinance was declared adopted this 5th day of June, 2006, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]

SECRETARY: [Signature]

DLVD/PARISH PRESIDENT: June 6, 2006

APPROVED: DISAPPROVED:

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: June 6, 2006

AT: 12:14 pm RECD BY: [Signature]

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON June 20, 2006
AS ENTRY NO. 319640
IN MORTGAGE/CONVEYANCE BOOK
NO. 672 FOLIO 131

ACT OF DEDICATION

UNITED STATES OF AMERICA

BY: HIGHLAND OAKS

STATE OF LOUISIANA

TO: ST. CHARLES PARISH

PARISH OF ST. CHARLES

BE IT KNOWN, that on this 5th day of June, in the year of our Lord Two Thousand and Six (2006).

BEFORE ME, the undersigned authority, a Notary Public, duly commissioned and qualified in and for the Parish and State aforesaid, therein residing, and in the presence of the two competent witnesses hererinafter named and undersigned.

PERSONALLY CAME AND APPEARED:

LANDCRAFT, INC., TAX IDENTIFICATION NUMBER 72-1187250, a Louisiana Corporation validly existing and in good standing under the laws of the State of Louisiana, having as its principal office, an address of 107 Fairway Drive, LaPlace, LA 70068, appearing herein through its duly authorized member, Joseph M. Scontrino, III, as per certificate of authority recorded at COB 652, Folio 394, records of St. Charles Parish, Louisiana;

(Hereinafter sometimes referred to as "Landcraft")

Mailing Address: 107 Fairway Drive, LaPlace and LA 70068

LANDCRAFT declared unto me Notary, that it is the owner of a certain tract immovable property situated on the East Bank of St. Charles Parish, which land is designated as "**HIGHLAND OAKS PHASE I, FORMERLY TERRE HAUTE**", being a portion of Section 39, Township 12 South, Range 9 East, St. Charles Parish, Louisiana, as shown on a survey of said resubdivision prepared by Riverlands Surveying Company, Land Surveyor, dated May 19, 2005 and revised April 13, 2006, a copy of which survey is attached hereto and made a part of this Act of Dedication; and

LANDCRAFT further declared unto me that it has caused a portion of the above property designated as **HIGHLAND OAKS SUBDIVISION, PHASE I**, on the survey referred to above to be laid out into lots, in order to create the **HIGHLAND OAKS SUBDIVISION, PHASE I** and

LANDCRAFT further declared unto me, Notary that on the aforesaid plan of resubdivision it has laid out certain streets within the **HIGHLAND OAKS SUBDIVISION, PHASE I**, which are named and identified as South Pin Oak Drive, East Pin Oak Drive, North Pin Oak and Laurel Oak Drive, which streets in regard to this dedication are more fully described in Exhibit "A" attached hereto and made a part hereof. On all matters of the description of the property on which the streets above named are located, the attached survey shall be controlling.

Landcraft further declared unto me, Notary, that on the aforesaid plan of resubdivision, it has also designated and labeled various servitudes for water, utility and drainage purposes; and

Landcraft further declared unto me, Notary, that under the covenants, conditions and stipulations hereinafter recited it does by these presents, dedicate the following streets located all within Highland Oaks, Phase I namely: South Pin Oak Drive, East Pin

Oak Drive, North Pin Oak and Laurel Oak Drive, as hereinabove described and does hereby grant the various servitudes for water, utility and drainage purposes, all as shown on the annexed plan of subdivision, to public use, unto and in favor of the Parish of St. Charles, the inhabitants of the Parish of St. Charles, and to the public in general; and

Landcraft further declared unto me, Notary, that the aforesaid dedication and grant is subject to all the following terms and conditions, to-wit:

1. The dedication of the fee ownership of the property to Parish of St. Charles is covered by the streets identified hereinabove as South Pin Oak Drive, East Pin Oak Drive, North Pin Oak and Laurel Oak Drive, but only as far as said streets are located in Highland Oaks Subdivision, Phase I.
2. The herein grant of the various servitudes for water, utility and drainage purposes shall constitute the granting only of a personal servitude of right of use being a "limited personal servitude" in favor of St. Charles Parish. Landcraft does hereby reserve all rights of fee ownership to that portion of the aforesaid Highland Oaks Subdivision, Phase I, which comprises the various servitudes for water, utility and drainage purposes.
3. Landcraft does hereby reserve all rights of ownership to all of the oil, gas and other minerals in, on and under the property covered and affected by the street identified hereinabove and by the aforesaid water, utility and drainage servitudes granted herein. In that connection, Landcraft does, however, agreed to prohibit the use of any part of the surface of any of the property covered by the street and servitudes with respect to the exploration, development or production of minerals pursuant to this reservation. This reservation is made in accordance with Landcraft's plan and intention to reserve all of the mineral rights in, on and under all of the lots in the Highland Oaks Subdivision, whereby, however, Landcraft will likewise impose a restriction on the entire subdivision against any use of the surface of any lot for exploration, development or productions of minerals, pursuant to this reservation. This reservation is made in accordance with Landcraft's plan and intention to reserve all of the mineral rights in, on and under all of the lots in the Highland Oaks Subdivision, Phase I whereby, however, Landcraft will likewise impose a restriction of the entire subdivision against any use of the surface of any lot for the exploration, development or production of minerals, or by any other binding means of strict surface operations in regard to mineral exploration in this subdivision.
4. The herein dedication of street and grant of servitudes for water, utility and drainage purposes are made by Landcraft without any warranty whatsoever except as provided for herein areas.
5. St. Charles Parish must bind and obligate itself not to use the property dedicated herein for street purposes in any manner, which would be inconsistent with or detrimental to such uses as a public street. St. Charles Parish must further bind and obligate itself to use the water, utility and drainage servitudes for water, utility and drainage purposes.

6. This dedication and granted are conditioned upon St. Charles Parish maintaining and policing the streets dedicated herein, and maintaining the various water, utility and drainage facilities within the various water, utility and drainage servitudes areas.
7. The grant herein of various servitudes for water, utility and drainage purposes shall be used exclusively for those purposes and Landcraft reserves the right to use or grant any other rights with respect to said property not inconsistent with the aforesaid servitudes for water, utility and drainage purposes. There herein granted water, utility and drainage servitudes shall not be utilized so as to unreasonably interfere with or impair ingress and egress from the street dedication herein to any of the lots in the Highland Oaks Subdivision, Phase I.
8. Landcraft warrants that the herein dedication of street and grant of servitudes are free of any liens and/encumbrances and that no lots have been sold or alienated prior to the date hereof.
9. The dedication and grant made herein are made subject to any existing servitudes affecting the Highland Oaks Subdivision, Phase I such as by way of illustration but not limitation, pipeline servitudes and levees.
10. The herein dedication and grant shall insure to the benefit of St. Charles Parish of any successor governmental body of St. Charles Parish, which shall be bound by all of the terms and conditions hereof.
11. Landcraft warrants that all utilities and streets have been placed within the servitude(s) granted herein.

AND NOW, these presents, personally came and intervened:

ST. CHARLES PARISH, herein appearing by and through Albert Laque, Parish President, duly authorized by virtue of an Ordinance of the St. Charles Parish Council adopted on June 5, 2006, a certified copy of which is annexed hereto and made part hereof, and said St. Charles Parish does hereby accept, approve and ratify the herein dedication and grant under all of the terms and conditions as contained hereinabove, and does also hereby acknowledge that the construction of the street dedicated herein has been satisfactorily completed in accordance with all requirements and that all water, utility and drainage facilities have been likewise satisfactorily completed in accordance with all requirements, and St. Charles Parish does hereby accept all of said street and water, utility and drainage facilities and assumes the maintenance thereof.

This Act of Dedication and Acceptance was approved and accepted by the St. Charles Parish Council by Ordinance 06-6-10 on the 5th day of June, 2006, a photocopy of which is attached and made a part hereof.

THIS DONE AND PASSED in triplicate originals, in my office the undersigned Notary Public in and for the State of Louisiana, Parish of St. Charles, on the day, month and year herein first above written in the presence of the undersigned competent

witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading the whole.

WITNESSES;

LANDCRAFT, INC.

John M. Stauffer
James J. Clavin

BY: [Signature]
Joseph M. Scontrino, III

[Signature]
NOTARY PUBLIC

THUS DONE AND PASSED in triplicate originals, in my office, the undersigned Notary Public in and for the State of Louisiana, Parish of St. Charles, on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading t6he whole.

WITNESSES:

ST. CHARLES PARISH

Timothy J. Vial
Robb Cullen

BY: Albert D. Laque
Albert D. Laque, Parish Prcsident

[Signature]

NOTARY PUBLIC

**ROBERT L. RAYMOND, NOTARY
BAR# 11408**

ACT OF PARTIAL RELEASE

BY: HIBERNIA NATIONAL BANK

TO: LANDCRAFT, INC.

BE IT KNOWN, that on this 17th day of April, 2006.

BEFORE ME, **the undersigned**, a Notary Public, duly commissioned and qualified in and for the Parish of St. John the Baptist, State of Louisiana, therein residing and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared:

HIBERNIA NATIONAL BANK, herein represented by the undersigned, Loan Officer, who exhibited to me, Notary, as last holder thereof, one certain promissory note, made and subscribed **LANDCRAFT, INC.** payable to the order of BEARER, dated July 15, 2005, paraphed for identification with an Act of Multiple Indebtedness Mortgage on the same date.

NOW THEREFORE, the said appearer hereby authorizes and directs the Recorder or Mortgages for the Parish of St. Charles to partially erase and cancel from the records of his office the inscription of the said mortgage recorded in Entry No. 310007, of the mortgage records of said Parish, but only insofar as it bears upon and affects the property description as follows, to-wit:

SEE ATTACHED

After mentioning on said note, the partial release herein granted, and after having paraphed said note "Ne Varietur" for identification herewith, I, said Notary, have returned the same to the said holder who acknowledges delivery thereof.

THUS DONE AND PASSED, in my notarial domicile in Louisiana, in duplicate originals on the day, month and year above written.

WITNESSES:

APPEARER:

Julien Stauffer
Shonore Laguerre

HIBERNIA NATIONAL BANK

BY: Gay J. Brubaker

[Signature]
NOTARY PUBLIC

Legal Description: Portions of Laurel Oak Drive, Portions of North Pin Oak Drive & Portions of South Pin Oak Drive

Beginning at a point said point being the northwest intersection of Laurel Oak Drive and La. Highway 48:

Thence proceed N24°53'42"W a distance of 80.00' feet to a point;
Thence proceed along a radius of 20.00' feet for an arc distance of 31.41' feet along a chord which bears N69°53'41"W a distance of 28.28' feet to a point;
Thence proceed N65°06'18"E a distance of 80.00' feet to a point;
Thence proceed N24°53'42"W a distance of 50.00' feet to a point;
Thence proceed N65°06'18"E a distance of 86.13' feet to a point;
Thence proceed along a radius of 20.00' feet for an arc distance of 23.01' feet along a chord which bears N32°08'06"E a distance of 21.76' feet to a point;
Thence proceed N00°50'05"W a distance of 722.03' feet to a point;
Thence proceed along a radius of 20.00' feet for an arc distance of 37.24' feet along a chord which bears N54°11'17"W a distance of 32.09' feet to a point;
Thence proceed S72°27'31"W a distance of 108.47' feet to a point;
Thence proceed N17°32'29"W a distance of 50.00' feet to a point;
Thence proceed N72°27'31"E a distance of 198.00' feet to a point;
Thence proceed S22°37'09"E a distance of 50.19' feet to a point;
Thence proceed along a radius of 20.00' feet for an arc distance of 31.45' feet along a chord which bears N00°50'05"W a distance of 708.86' feet to a point;
Thence proceed S15°23'25"E a distance of 99.52' feet to a point;
Thence proceed S24°53'42"E a distance of 80.00' feet to a point;
Thence proceed S65°06'18"W a distance of 50.00' feet to a point;
The Point of Beginning.
Said street right of way parcel contains 1.4064 (61,264 square feet)

Legal Description: Portions of South Pin Oak Drive, East Pin Oak Drive & North Pin Oak Drive

Commencing at a point said point being the northeast intersection of Laurel Oak Drive & La. Highway 48

Thence proceed N24°53'42"W a distance of 80.00' feet to a point;
Thence proceed along a radius of 20.00' feet for an arc distance of 31.41' feet along a chord which bears S20°06'18"W a distance of 28.28' feet to a point;
The Point of Beginning.
Thence proceed N65°06'18"E a distance of 192.35' feet to a point;
Thence proceed along a radius of 100.00' feet for an arc distance of 115.08' feet along a chord which bears N32°08'06"E a distance of 108.84' feet to a point;
Thence proceed N00°50'05"W a distance of 622.73' feet to a point;
Thence proceed along a radius of 100.00' feet for an arc distance of 186.23' feet along a chord which bears N54°11'17"W a distance of 186.23' feet to a point;
Thence proceed S72°27'31"W a distance of 146.04' feet to a point;
Thence proceed S22°37'09"E a distance of 50.19' feet to a point;
Thence proceed N72°27'31"E a distance of 147.60' feet to a point;
Thence proceed along a radius of 50.00' feet for an arc distance of 93.11' feet along a chord which bears S54°11'17"E a distance of 80.53' feet to a point;
Thence proceed S00°50'05"W a distance of 622.73' feet to a point;
Thence proceed along a radius of 50.00' feet for an arc distance of 57.54' feet along a chord which bears S32°08'06"W a distance of 54.42' feet to a point;
Thence proceed N65°06'18"E a distance of 177.66' feet to a point;
Thence proceed S08°30'57"E a distance of 52.11' feet to a point;
The Point of Beginning.
Said street right of way parcel contains 1.3585 (59,177 square feet)

Legal Description: 20' feet wide Drainage Servitude (Lots 21-22)

From a point at the intersection of the northerly right-of-way of North Pin Oak Drive and the front property corner of the property lot line between Lots 21 and 22

Thence proceed along a radius of 100.00' feet for an arc distance of 10.01' feet along a chord which bears N58°27'19"W a distance of 10.00' feet to a point;
The Point of Beginning;
Thence proceed N29°17'22"E a distance of 233.06 feet to a point;
Thence proceed N72°14'18"E a distance of 29.35' feet to a point;
Thence proceed S29°17'22"W a distance of 256.34' feet to a point;
Thence proceed along a radius of 100.00' feet for an arc distance of 10.01' feet along a chord which bears N58°41'19"W a distance of 10.00' feet to a point;
The Point of Beginning.